

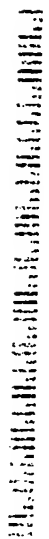
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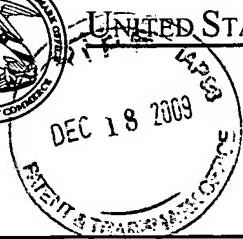
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,189

03/14/2007

Ronald G. Padilla

2096

7143

24264 7590 12/08/2009
TIMOTHY J. MARTIN, P.C.
9250 WEST 5TH AVE
LAKEWOOD, CO 80226

EXAMINER

COLLINS, DOLORES R

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

12/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,189	Applicant(s) PADILLA, RONALD G.	
	Examiner DOLORES COLLINS	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/13/09.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's response of 10/13/09 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furr et al. (073) in view of Ringer (560).

Furr discloses a Table Soccer or Football Game Structure.

Regarding claims 1-3, 8-9, 12 -13, 16-20, 25, 30-34 & 37-39, Furr teaches a game table adapted to be placed on a support table (see figure 1). He further teaches, in fig 5, that his table has positioning elements associated with its legs.). Furr teaches play rod assembly (see fig. 3). Furr fails to explicitly teach legs that have panels that are slideably engaged therein. Ringer discloses an Article Of Furniture. Ringer teaches legs that accommodate slideable panels and sides (see fig. 1). It would have been obvious to modify Furr to include legs that would accommodate slideable connections,

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for a more sturdy structure. With respect to claims 4 & 21, Furr teaches a foot member with leg adjuster (27). In the case of claims 5-7 & 22-24, Furr teaches an end cap and securing element by way of his bead (35). Regarding claims 10-11, 26-27 & 35-36, Furr teaches a ball drop opening (23) (goal) and ball collector (25). In the case of claims 14-15 & 28-29, Furr fails to explicitly teach brace members or a shelf. Ringer discloses brace members (19 and 23) capable of accommodating a shelf. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Furr to include a brace and include a shelf in order to add flexibility and provide increased storage for his apparatus.

Examiner also takes official notice that conventional soccer and/or football tables are known to have end, side and bottom panels, goals, ball collectors, rods and bolts as part of their assembly. Applicant's failure to traverse this official notice is taken as an admission as prior art and herein made final.

Response to Arguments

Applicant's arguments filed 10/13/09 have been fully considered but they are not persuasive. Applicant appears to be arguing the applicability of the reference to Ringer based on the age of the reference. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding

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its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Further, applicant's argument appears to be based on the references individually. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner agrees that Game tables are not static in their design, however Applicant's arguments do not appear to comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

This action is made final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dolores R. Collins whose telephone number is (571) 272-4421. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dolores R. Collins/
Examiner, Art Unit 3711

/Gene Kim/
Supervisory Patent Examiner, Art Unit 3711

Notice of References Cited	Application/Control No. 10/575,189	Applicant(s)/Patent Under Reexamination PADILLA, RONALD G.	
	Examiner DOLORES COLLINS	Art Unit 3711	Page 1 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-D570,418	06-2008	Lu, Chien-Tu	D21/318
*	B	US-D518,110	03-2006	Ruelle, Russell J.	D21/318
*	C	US-6,854,728	02-2005	Oister et al.	273/108.1
*	D	US-D499,149	11-2004	Doherty et al.	D21/318
*	E	US-5,931,465	08-1999	Miyake et al.	273/108.1
*	F	US-5,752,886	05-1998	Tien, Feng-Yi	473/14
*	G	US-6,409,169	06-2002	Sutter, Josef Beat	273/108.1
*	H	US-5,326,102	07-1994	Chang, Charles	273/108.52
*	I	US-4,025,073	05-1977	Furr et al.	273/108.52
*	J	US-6,616,141	09-2003	Diamant, Asher	273/108.1
*	K	US-3,306,692	02-1967	TIMMERMAN LEONARD A	312/231
*	L	US-D474,814	05-2003	Conaway, Danny L	D21/357
*	M	US-5,884,911	03-1999	Guridi, Jose Javier Silva	273/119R

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 10/575,189	Applicant(s)/Patent Under Reexamination PADILLA, RONALD G.	
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,556,094	09-1996	Shiledar Baxi, Hari R.	273/108.5
*	B	US-3,870,303	03-1975	Patterson, Jr., Lawrence T.	273/108.52
*	C	US-2006/0199656	09-2006	Mc Govern, James Robert	473/018
*	D	US-5,135,218	08-1992	McGovern, James R.	473/7
*	E	US-4,927,140	05-1990	Pappas, Spilios A.	473/8
*	F	US-7,156,745	01-2007	Fahmie, Richard B.	473/10
*	G	US-4,448,463	05-1984	Amos, Paul E.	312/111
*	H	US-2,204,107	06-1940	SWETT WALTER W	108/167
*	I	US-7,478,602	01-2009	Peng, Wen Chih	108/131
*	J	US-7,474,983	01-2009	Mazalek et al.	702/150
*	K	US-7,472,909	01-2009	Gordon, Jarrett	273/309
*	L	US-7,325,803	02-2008	Miranda, Allen Batres	273/108.5
*	M	US-6,561,511	05-2003	Vaysberg et al.	273/108.56

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,940,135	02-1976	Cohen, Samuel W.	273/108.5
*	B	US-5,000,461	03-1991	Borazjani, Abdul H.	273/401
*	C	US-4,448,463	05-1984	Amos, Paul E.	312/111
*	D	US-3,926,488	12-1975	Amos, Paul E.	312/241
*	E	US-3,847,460	11-1974	Weidt, Karl-Adolf	312/265.2
*	F	US-3,788,242	01-1974	Hassel et al.	108/107
*	G	US-2,728,621	12-1955	KEMPTER JOSEPH C	108/136
*	H	US-1,481,560	01-1924	SOREN RINGER	312/258
*	I	US-4,027,878	06-1977	Dadbeh, Bemanali H.	473/29
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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